

GOVERNMENT OF JAMMU AND KASHMIR
HEALTH & MEDICAL EDUCATION DEPARTMENT
HUMAN RESOURCE MANAGEMENT BRANCH
Civil Secretariat, J&K, Jammu.

Subject: Unauthorized absence of doctors – joining thereof.

Government Order No. 119 -JK(HME) of 2021
Dated: 16.02.2021

WHEREAS, the Director, Health Services, Kashmir vide No. Est/3/1-133/2648-49 dated 17.12.2019 served show cause notices to 33 doctors who were pursuing higher studies within & outside of the Union Territory of Jammu & Kashmir without prior permission from the competent authority. The show cause notices were also published in "Greater Kashmir" in its edition dated 21.12.2019;

AND WHEREAS, the Director, Health Services, Kashmir vide communication No. Est/3/1-133/243 dated 22.01.2020 forwarded replies of 31 doctors who were undergoing various courses within and outside the Union Territory of Jammu & Kashmir without proper permission and on whom show cause notices were served;

AND WHEREAS, Rule 8(i) of J&K Civil Services Leave Rules, 1979 reads as under:-

"Leave cannot be claimed as a matter of right".

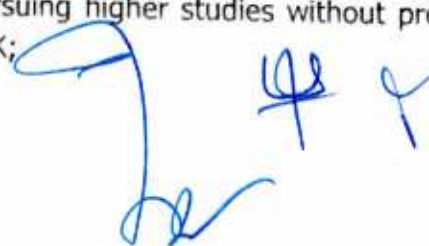
AND WHEREAS, Rule 25(2) of J&K Civil Services Leave Rules, 1979 reads as under:

"Willful absence from duty after the expiry of leave renders a Government Servant liable to disciplinary action".

AND WHEREAS, Article 128 of J&K Civil Services Regulations Volume-I envisages as under:

"Absence without leave or after the end of leave involves loss of appointment, except as provided in Article 203(b) or when due to ill health in which case the absentee just produce the certificate of Medical Officer."

AND WHEREAS, the reply to the show cause notice was examined in the department in light of the rule position and it was decided to initiate disciplinary proceedings in term of Rule 33 of the Jammu & Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 against all such doctors who are pursuing higher studies without proper permission within & outside of the UT of J&K;



AND WHEREAS, all the 31 unauthorizedly absent doctors were charge sheeted vide O.M. No. HME/HRM/07/2020 dated 14.07.2020 and Director, Health Services, Kashmir was asked to serve the Charge Sheets on each doctor individually. The doctors were directed to submit written statement of defense within 07 days of the receipt of the charge sheet to the Administrative Department and also state whether he/she desires to be heard in person or not;

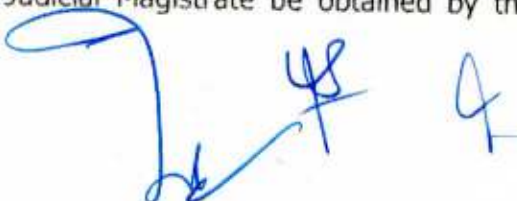
AND WHEREAS, the Director Health Services, Kashmir vide letters No. Est/3/1-133/2047 dated 25.09.2020 & Est/3/1-133/2198 dated 12.10.2020 submitted the replies/statement of defense of these 31 unauthorizedly absent doctors. The statement of defense/replies of these doctors were examined in the Administrative department;

AND WHEREAS, the Director, Health Services, Kashmir vide communication No. Est/3/1-133/2903 dated 14.12.2020 has submitted that the following seven (07) doctors have requested for allowing them to join back in the department;

S. No.	Name of doctor	Designation
1.	Dr. Syed Neelofer	Consultant Gynecology
2.	Dr. Ghulam Mustafa Dar	Medical Officer
3.	Dr. Rouf Gul Ganai	Medical Officer
4.	Dr. Lubna Khurshid	Medical Officer
5.	Dr. Iram Wani	Medical Officer
6.	Dr. Yawar Nissar	Medical Officer
7.	Dr. Basharat Ramzan	Medical Officer

AND WHEREAS, the cases of these seven (07) doctors were examined in the Department, on the basis of statement of defense/replies submitted by them and information provided by Director, Health Services, Kashmir, while taking a considerate view in the matter and in the interest of patient care, it was decided to accept the joining report of these seven (07) doctors with prospective effect subject to the condition that the doctor(s) were not involved in any subversive activities as well as were not employed in any other Government/private sector during the unauthorized period of absence for which an affidavit duly authenticated by the 1st Class Judicial Magistrate shall be obtained by the Directorate of Health Services, Kashmir, from the concerned doctor(s). The period of their absence shall be decided separately.

Now, therefore, sanction is hereby accorded to acceptance of the joining report of below mentioned seven (07) doctors with prospective effect subject to the condition that they were not involved in any subversive activities as well as were not employed in any other Government/private sector during the period of absence for which an affidavit duly authenticated by the 1st Class Judicial Magistrate be obtained by the Directorate of Health Services, Kashmir,



from the concerned doctor(s). However, their period of unauthorized absence shall be decided separately:-

S.No.	Name of Doctor with parentage and residential address	Designation
1.	Dr. Syed Neelofer D/o Syed Mohd Ashraf Indrabi R/o Guchan Sheikhpora, Dooru, Anantnag	Consultant Gynecology
2.	Dr. Ghulam Mustafa Dar S/o Mohd Abdullah Dar R/o Bakhiakar Handwara District Kupwara	Medical Officer
3.	Dr. Rouf Gul Ganai S/o Dr. Gh. Mohammad Ganai R/o By Pass Chowk, Nowgam, Srinagar	Medical Officer
4.	Dr. Lubna Khurshid D/o Mr. Khurshid Ahmad R/o 818, Sector 2F SDA Colony, Srinagar	Medical Officer
5.	Dr. Iram Wani D/o Farooq Ahmad Wani R/o New Light Colony, Sopore Baramulla	Medical Officer
6.	Dr. Yawar Nissar S/o Nissar Ahmad Gadda R/o Abu Bakar Colony IV, Habak Naseem Bagh, Near Petrol Pump.	Medical Officer
7.	Dr. Basharat Ramzan S/o Mohd Ramzan Reshi R/o Qamariabad, Saloora, Near Degree College Ganderbal.	Medical Officer

The concerned doctors are warned not to leave their place of posting for any occasion whatsoever in future without proper permission from the competent authority failing which disciplinary action under Article 128-A of J&K Civil Services Regulations Volume-I, shall be initiated against them ex-parte.

By order of the Government of Jammu & Kashmir.

Sd/-

(Atal Dulloo) IAS

Financial Commissioner

Health & Medical Education Department

No. HME/HRM/07/2020

Dated: .02.2021

Copy to the:-

1. Principal Secretary to the Lieutenant Governor.
2. Joint Secretary, (J&K), Ministry of Home Affairs, Government of India.
3. Director, Archives, Archaeology & Museums, J&K, Jammu.
4. Director, Health Services, Kashmir/Jammu.
5. OSD with Advisor (B) to the Lieutenant Governor.
6. Private Secretary to the Financial Commissioner, Health & Medical Education Department.
7. Concerned doctors.
8. Government Order file/Stock file/Website HME.

(Pamposh Ganju)

Under Secretary to the Government
Health & Medical Education Department